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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA, WESTERN DIVISION

FAMOUS BIRTHDAYS, LLC, a California
limited liability company,

Plaintiff

v.

PASSES, INC., a Delaware corporation; and
LUCY GUO, an individual,

Defendants

Case No. 2:24-cv-08364

COMPLAINT FOR:

- 1. COPYRIGHT INFRINGEMENT
(17 U.S.C. § 501);**
- 2. CALIFORNIA COMPREHENSIVE
COMPUTER ACCESS AND
FRAUD ACT (CAL. PENAL CODE
§ 502);**
- 3. UNFAIR COMPETITION LAW
(CAL. BUS. & PROF. CODE §
17200); and**
- 4. BREACH OF CONTRACT.**

DEMAND FOR JURY TRIAL

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1 Plaintiff Famous Birthdays, LLC (“Plaintiff” or “Famous Birthdays”), by and through its
2 attorneys of record, alleges against Defendants Passes, Inc. (“Passes”) and Lucy Guo (“Guo”)
3 (collectively, “Defendants”) as follows:

4 **INTRODUCTION**

5 1. This lawsuit is a result of Defendants’ brazen, unapologetic, and ongoing theft of
6 over 100,000 of Famous Birthdays’ copyrighted biographies of celebrities and influencers.

7 2. Famous Birthdays’ core offering is a searchable collection of original profiles for
8 celebrities and influencers that is presented in a simple and entertaining format. This model has
9 taken years of investment, creativity, technological innovation, and hard work to develop and
10 perfect. The results speak for themselves: today, Famous Birthdays receives up to 25 million
11 monthly users, largely driven by the quality of its profiles. Famous Birthdays was recently profiled
12 in leading publications such as The Economist, The Atlantic, and The New York Times.

13 3. Famous Birthdays’ popularity has made it privy to valuable data, such as which
14 influencers are trending in various categories. Famous Birthdays launched Famous Birthdays Pro
15 to allow companies to contract with Famous Birthdays to review back-end analytics to further their
16 business goals or to otherwise license parts of the Famous Birthdays catalog.

17 4. In or around 2022, Guo launched Passes, an influencer marketing platform. Passes
18 provides its customers an interface for discovering, promoting, and connecting with influencers.
19 In March 2024, Passes signed up for Famous Birthdays Pro. Passes was granted a limited license
20 to access Famous Birthdays’ Works, which permitted Passes to look at (but not copy) 2,500
21 biographies a month. A true and correct copy of the Services Agreement is attached to the
22 Complaint as **Exhibit A** and incorporated herein by reference.

23 5. Passes, and Guo in particular, used their access to Famous Birthdays’ API to create
24 and employ a script to illegally scrape over one hundred thousand of Famous Birthdays’
25 biographies over the course of four days—in gross excess of Passes’ contractual rights. Passes
26 and Guo then ran the illicitly obtained biographies through the popular “chatbot” ChatGPT to
27 reword them, in a craven effort to hide this theft. Passes reproduced the bios on its own website,
28 launching a competitor to Famous Birthdays on the open web.

6. In doing so, Passes has willfully misappropriated Famous Birthdays' copyrighted Works and other intellectual property. Passes' activities described herein violate the federal Copyright Act (constituting over 106,000 unique instances of infringement), the California Computer Fraud and Abuse Act, California law protecting against unfair competition, and the license agreement between Famous Birthdays and Passes. Famous Birthdays seeks from Defendants compensatory damages in excess of \$3 million. In addition, Famous Birthdays is entitled to statutory damages for each of the 106,000 instances of infringement by Passes and Guo, as well as attorneys' fees and costs.

7. Moreover, Guo, who was recently recognized on Forbes' 2024 America's Self-Made Women Net Worth list, is estimated to have a net worth of at least \$500 million. And Passes is a valuable startup. Punitive damages are available under the Computer Fraud and Abuse Act and are necessary here to instruct Defendants that their thievery is reprehensible and will not be tolerated.

THE PARTIES, JURISDICTION, AND VENUE

8. Famous Birthdays, LLC is a California limited liability company with its principal place of business located at 2800 28th Street, Unit #208, Santa Monica, California, 90405.

9. On information and belief, Defendant Lucy Guo is an individual domiciled in California.

10. On information and belief, Defendant Passes, Inc. is a corporation organized under the laws of the State of Delaware with its principal place of business located at 1 South East 3rd Avenue, Suite 1440, Miami, Florida.

11. This Court has federal subject matter jurisdiction over Famous Birthdays' claims under the Copyright Act because those claims arise under federal law. The Court also has original jurisdiction over Famous Birthdays' copyright claims under 28 U.S.C. § 1338(a).

12. The Court has supplemental subject matter jurisdiction over Famous Birthdays' state law claims pursuant to 28 U.S.C. § 1367(a) because the state law claims are so related to the federal claims such that they form a part of the same case or controversy.

13. The Court has general personal jurisdiction over Guo because she is domiciled in

1 California. The Court also has specific personal jurisdiction over Guo because each of Famous
2 Birthdays' claims arises out of Guo's substantial, intentional contacts with California, including
3 causing Passes to enter into a services agreement with Famous Birthdays that specifies California
4 law as governing the agreement and accessing the Works in California.

5 14. The Court has specific personal jurisdiction over Passes because each of Famous
6 Birthdays' claims arises out of Passes' substantial, intentional contacts with California, including
7 entering into a services agreement with Famous Birthdays that specifies California law as
8 governing the agreement.

9 15. In addition, Passes and Guo copied and misappropriated Famous Birthdays'
10 biographies to support their operation of an interactive computer service that allows California
11 residents to purchase services for discovering and connecting with celebrities and influencers.
12 Passes, at Guo's direction, copied Famous Birthdays' biographies on its website and makes them
13 accessible to residents of California.

14 16. Venue is proper in the Central District of California pursuant to 28 U.S.C. §
15 1391(b)(2) because, as described herein, a substantial part of the events or omissions giving rise
16 to Famous Birthdays' claims occurred in this District.

17 **GENERAL ALLEGATIONS**

18 **I. OVERVIEW OF FAMOUS BIRTHDAYS' BIOGRAPHY MODEL**

19 17. Famous Birthdays' website offers an intuitive online search engine that
20 provides access to regularly updated, originally written profiles for celebrities and
21 influencers in a simple and entertaining format for its users. The profiles include various
22 features, such as tailored biographical works, popularity rankings, images, and videos.
23 Famous Birthdays developed and maintains a complex infrastructure necessary to operate its
24 extensive database of profiles.

25 18. Famous Birthdays began writing original celebrity profiles in 2012. Famous
26 Birthdays' original biographies are the backbone of its service. Famous Birthdays has
27 invested millions of dollars to develop and maintain an expansive database of profiles for
28 celebrities and influencers around the world. Its business has grown steadily since the

1 company's creation, based on the strong and consistent demand from its users.

2 19. The high quality of Famous Birthdays' written biographies differentiates it
3 from its competitors. Famous Birthdays does not mine, scrape, copy, or automate the
4 production of its biographies. Famous Birthdays' original biographies are all drafted by
5 Famous Birthdays staff, giving them a consistent voice, framing, and level of quality.

6 20. These biographies are comprised of five sections: "About", "Before Fame",
7 "Trivia", "Family Life", and "Associated With." Famous Birthdays expends considerable
8 creative effort to make these biographies easy to read (including on mobile devices),
9 entertaining, and relevant to its readers. Through the process of drafting hundreds of
10 thousands of unique biographies, Famous Birthdays has developed considerable expertise in
11 the art of drafting such biographies. Among other things, this expertise means understanding
12 what details are salient, which are fun, what can be omitted, what should be highlighted, and
13 writing it in a way that is approachable, entertaining, and snappy.

14 21. Famous Birthdays registered its creative works of authorship with the United
15 States Copyright Office in October 2018, October 2021, and February 2022, and it
16 supplemented its October 2018 registration in February 2022 as well. True and correct copies
17 of those registrations are attached, respectively, as **Exhibit B, Exhibit C, Exhibit D, and**
18 **Exhibit E**, and incorporated herein by reference. The 2018 and 2021 registrations are for
19 Famous Birthdays' complete collection of written biographies as of the dates of filing, of
20 which the 2018 registration was supplemented by the February 2022 supplement. The
21 February 2022 registration is for select, published portions of Famous Birthdays' collection
22 of written biographies dating back to March 22, 2018.

23 22. Famous Birthdays has up to 25 million monthly unique users. It is available
24 in Spanish, Portuguese, French, and Japanese. New profiles are added regularly, covering
25 everyone from famous chefs to TikTok stars. For many tens of thousands of the individuals
26 profiled, the Famous Birthdays biography is the only online biography available for that
27 individual.

28 23. The Terms of Use available on Famous Birthdays' website informs its users

1 that its “platform contains copyrighted material including, but not limited to, text and video.”
2 These terms are included in a link displayed at the bottom of Famous Birthdays’ website.

3 **II. FAMOUS BIRTHDAYS PRO**

4 24. Experts predict that the “creator economy” will grow to over half a trillion
5 dollars by 2027. Businesses increasingly allocate substantial marketing funds towards
6 identifying and working with influencers who can expand the reach of their brands.

7 25. Famous Birthdays’ biographies, and the web traffic and data it obtains due to
8 the popularity of its platform, have become increasingly valuable as a result. Companies can
9 use this information to identify with whom to work and how to work with such individuals.
10 For example, Famous Birthdays has over ten million monthly searches. Thus, it has valuable
11 data on which influencers are being searched for, including data ranking the popularity of
12 influencers.

13 26. Famous Birthdays enters into licensing agreements with companies, including
14 creator marketing platforms, through its service known as Famous Birthdays Pro. Famous
15 Birthdays Pro allows some paying clients access to Famous Birthdays’ API for limited,
16 research purposes, such as to assist companies in identifying creators and influencers
17 relevant to their business.

18 27. Famous Birthdays does not license its catalog of biographies for public display
19 on the open web.

20 **III. OVERVIEW OF PASSES AND GUO**

21 28. Lucy Guo cofounded artificial intelligence company Scale AI with Alexandr
22 Wang in 2016. She left the company in 2016. Scale AI recently raised \$1 billion from
23 private investors at a \$13.8 billion valuation. Guo’s shares are estimated to be worth \$500
24 million.

25 29. Guo made Forbes’ 30 under 30 list in 2018. In 2024, she was recognized by
26 Forbes in its 2024 America’s Self-Made Women Net Worth list.

27 30. Guo founded Passes in 2022. Passes functions by “creating tools to help
28 creators become entrepreneurs through different revenue streams that they own.” The

platform facilitates a variety of income sources for creators, including “membership communities, live streaming, one-on-one calls and more.”

31. Passes has expanded rapidly since its launch. Its employee headcount has increased 48% in the past six months, including its recent hire of one of the top executives at TikTok.

32. On February 28, 2024, Passes announced a \$40 million Series A led by Bond Capital, with Mood Rowghani joining Passes board. Other participants in this funding round include Ramtin Naimi of Abstract Ventures; Michael Ovitz of Crossbeam Ventures, Emma and Jens Grede, and Alexandra Botez.

33. Passes’ client list includes Shaq, top athletes at the University of Texas, and Olivia Dunne.

IV. PASSES ENTERS INTO A CONTRACT WITH FAMOUS BIRTHDAYS

34. Passes entered into a limited services agreement with Famous Birthdays on March 1, 2024 (the “Services Agreement”), which granted Passes access to Famous Birthdays Pro.

35. In consideration for a payment of \$5,000 per month, Passes obtained a limited license permitting it to (1) view a “Rising Stars” list featuring 25 creators profiled on the Famous Birthdays platform; (2) run 2,500 searches per month of historical rank graphs for creators profiled on Famous Birthdays; (3) do 100 report searches per month; and (4) have API access to achieve these limited purposes. (Ex. A at §§ 2.1-2.5.)

36. The Services Agreement delineated the strict limitations on Passes’ use of the Famous Birthdays platform: “The data and information made available through the Services (the ‘Data’) are the intellectual property of Famous Birthdays. Famous Birthdays hereby grants Customer [Passes] a license to make non-public internal use of the data for Business Purposes of the Customer for the duration of the term of this Agreement. Customer shall not transfer, sell, or publicly display the data.” (Ex. A at § 4.1.)

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V. PASSES UNLAWFULLY VIOLATED FAMOUS BIRTHDAYS' PROTECTED WORKS TO LAUNCH A COMPETING PRODUCT

37. Notwithstanding the term in the Services Agreement limiting Passes to 2,500 lookups per month to view historical rank graphs for creators profiled on Famous Birthdays, Famous Birthdays' internal dashboard reflects that Guo ran 106,124 lookups in a month, a blatant breach of the License Agreement:

Username	Email	Last Login	Rising Star	Weekly Scheduled	Bi-Weekly Scheduled	Monthly Scheduled	Monthly Lookups	Monthly Reports
connor-sweeney	connor@passes.com	03/09/2024 05:39 PM	N	0	8	0	1	8
justin-burke-passes	justin@passes.com	--	N	0	8	0	0	0
lucy-guo	lucy@passes.com	06/21/2024 11:54 AM	N	7	7	3	106,124	15

38. To accomplish this severe breach, Passes built and ran a script that pinged the Famous Birthdays API 106,124 times, each time with a unique URL query that would bring up a different profile. The script would then scrape each bio one by one, even though Passes had no right to make copies. Forensic analysis revealed that each bio was brought up and scraped one by one every 2-4 seconds between April 15, 2024 and April 20, 2024.

39. And to even be able to do this illicit search, Passes had to build a list of over 100,000 URLs unique to the Famous Birthdays website—and there is no public version of such a list. More concerning is the URL list Passes was able to build reflects information proprietary to Famous Birthdays about which profiles have the most notoriety.

40. It gets worse. Passes used the illegally obtained data for the illicit purpose of creating a competing product on the open web.

41. Passes fed each copied Famous Birthdays bio into the chatbot ChatGPT, where it asked ChatGPT to rework the language. This is akin to a subscriber loading the entire Wall Street Journal database of articles into ChatGPT, asking it to rework the language, and launching a competing website.

42. The result is a set of biographies that use substantially the same selection of information in virtually identical verbiage as Famous Birthdays' copyrighted bios, as displayed on Famous Birthdays' website and as accessible through its API.

43. Passes then placed these doctored bios on its public-facing “wiki” platform. The biographies that Passes displays in its website are virtually identical to Famous Birthdays’ copyrighted Works, and reflect that Passes simply fed Famous Birthdays’ bios into ChatGPT and asked it to make superficial, minor tweaks to them, as the below sampling reflects.

44. The infringing bios include everyone from up-and-coming influencers with well below one million followers, to household names like Barack Obama. It includes influencers from other countries, presidents, dictators, actors, musicians, businesspeople, and everyone with any kind of platform. Passes has willfully and maliciously looted all of Famous Birthdays’ Works en masse.

45. Famous Birthdays terminated the Services Agreement on August 21, 2024, after discovering Passes’ unlawful copying of its Works and demanded that Passes cease and desist its unlawful conduct.

46. Passes refused, claiming that its use of ChatGPT somehow excused Passes’ misconduct. This justification is nonsense.

VI. EXAMPLES OF PASSES’ THEFT

47. The obvious similarity between Passes’ biographies and Famous Birthdays’ biographies, and the related dissimilarity between Passes’ biographies and biographies that ChatGPT provides, is apparent when the information in the bios is compared.

48. There are over 100,000 examples of infringement, but the following paragraphs set forth a few such instances for illustrative purposes.

EXAMPLE ONE: FORMER U.S. PRESIDENT BARACK OBAMA

49. Famous Birthdays’ bio of former U.S. President Barack Obama states the obscure fact that:

He spent four years in Jakarta as a child where he learned to speak Indonesian and was introduced to dog meat, snake meat, and roasted grasshopper.

//

//

50. Passes' bio for President Obama includes this same obscure fact, with the language clearly tweaked by a chatbot:

His formative years included a significant period spent in Jakarta, where he was exposed to the local culture, learning to speak Indonesian and experiencing a diverse range of foods, including dog meat, snake meat, and roasted grasshopper.

51. When the chatbot is asked to profile President Obama, this obscure fact is not included. The only way to generate the sentence in the Passes bio is to ask the chatbot to rewrite the Famous Birthdays bio.

52. Similarly, the Famous Birthdays and Passes bios of President Obama also focus on his time spent teaching constitutional law at the University of Chicago (but do not mention his status as the first Black President of the Harvard Law Review); both mention his failed run for the U.S. House of Representatives in 2000, but neither mention that he won the Nobel Peace prize; and both mention his defeat of John McCain in the 2008 election, but neither mention his defeat of Mitt Romney in the 2012 election.

53. By contrast, if you ask ChatGPT to provide a short bio of President Obama, it provides the following:

ChatGPT Auto

Share



Barack Obama (born August 4, 1961) is an American politician and attorney who served as the 44th President of the United States from 2009 to 2017. He was the first African American to hold the office. Born in Honolulu, Hawaii, to a Kenyan father and an American mother, Obama graduated from Columbia University and later Harvard Law School, where he became the first Black president of the Harvard Law Review.

Before his presidency, Obama worked as a community organizer in Chicago, served as a civil rights lawyer, and taught constitutional law at the University of Chicago. His political career began in the Illinois State Senate (1997–2004), followed by his election to the U.S. Senate in 2004.

Obama's presidency was marked by significant achievements, including the Affordable Care Act (Obamacare), the Dodd-Frank Act, and the operation that led to the death of Osama bin Laden. He was awarded the Nobel Peace Prize in 2009 for his efforts to strengthen international diplomacy.

After leaving office, Obama has remained active in public life, writing books, speaking on social issues, and working through the Obama Foundation to promote leadership and civic engagement.



Message ChatGPT



54. Unsurprisingly, no reference to his time in Jakarta, spent eating “dog meat, snake meat, and roasted grasshopper” is made. Moreover, details are provided regarding his time spent as a community organizer, his post-Presidency public life, and his status as the first Black president of the Harvard law review, none of which are featured in the Famous Birthdays or Passes bio.

EXAMPLE TWO: CURTIS JACKSON (50 CENT, RAPPER, BUSINESSMAN)

55. Both the Famous Birthdays and Passes bios of 50 Cent focus on the same background information, the same public “feuds” and relationships he has been involved in, and the same songs and albums from his lengthy discography.

56. Notably, both the Famous Birthdays and Passes bios mention—in the same order—that after the death of his mother, he moved in with his grandparents and eight aunts and uncles, followed by the obscure fact that he competed in the Junior Olympics as a boxer.

57. The Famous Birthdays bio states:

After his mother died, he moved in with his grandparents and his eight aunts and uncles. He competed in the Junior Olympics as a boxer.

58. The Passes bio states:

After the death of his mother, he was raised by his grandparents along with eight aunts and uncles. During his youth, 50 Cent was an active boxer, competing in the Junior Olympics, which showed his competitive nature from a young age.

59. The Passes bio features the same two sentences as the Famous Birthdays bio, as rewritten by a chatbot.

60. The similarities do not stop there. Both the Famous Birthdays and Passes bios of 50 Cent only mention his songs “In da Club” and “Guess Who’s Back?”, and his album “Get Rich or Die Tryin’”—neither mention any other albums or songs from his discography.

61. Similarly, both the Famous Birthdays and Passes bios mention that Eminem

discovered 50 Cent and connected him with Dr. Dre, that he has had notable feuds with Sean Combs, G-Unit, The Game, and Nas, his two children, his relationships with Daphne Joy and Cuban Link, his membership in “East Coast Group G-Unit,” that he survived nine gunshot wounds in 2000, and his ranking on Billboard’s best artists of the 2000s.

62. Famous Birthdays’ and Passes’ bios of 50 Cent do not mention his acting ventures, his other hit singles or albums, nor his investment in Vitamin Water.

63. For comparison, when ChatGPT is prompted with the request to “write a short biography for 50 Cent”, it produces the following:

write a short biography for 50 cent

Curtis James Jackson III, better known by his stage name 50 Cent, was born on July 6, 1975, in Queens, New York. Emerging from a challenging upbringing marked by crime and poverty, 50 Cent rose to prominence as a rapper, entrepreneur, and actor. His 2003 debut album, *Get Rich or Die Tryin'*, was a massive success, featuring hit singles like "In Da Club" and "21 Questions." The album not only established him as a major force in hip-hop but also set the stage for his subsequent ventures.

50 Cent's influence extends beyond music. He founded the successful G-Unit Records and made a mark in business with his investment in Vitaminwater, which earned him a substantial profit when the company was sold to Coca-Cola. His ventures also include acting, with notable roles in films like *Get Rich or Die Tryin'* and *Southpaw*, and a successful television production career, including the hit series *Power*.

Despite facing legal and personal challenges, 50 Cent has remained a prominent figure in entertainment, known for his resilience and business acumen.



EXAMPLE THREE: ADAM LEVINE (SINGER, MAROON 5 FRONTMAN)

64. Both the Famous Birthdays and Passes bios of Adam Levine include the extremely obscure fact that Adam Levine scored a “game-winning basket” during a YMCA basketball game while attending Brentwood school.

65. The Famous Birthdays bio states:

He met his future bandmates, Jesse Carmichael and Mickey Madden, while attending Brentwood School. He made the game-winning, buzzer-beating basket to win a YMCA basketball championship.

1 66. The Passes bio states:

2 His early life in school at Brentwood School brought him together with future
3 Maroon 5 bandmates Jesse Carmichael and Mickey Madden. Interestingly,
4 Levine showcased his competitive spirit early on by scoring the game-winning
5 basket in a YMCA basketball championship.

6 67. Similarly, the Famous Birthdays and Passes bios for Levine only mention
7 Maroon 5's songs "Moves like Jagger" and "Harder to Breathe," while making no mention
8 of any other songs or albums in their lengthy discography.

9 68. The Famous Birthdays bio states:

10 Singer and guitarist for the band Maroon 5, who became known for hit songs
11 such as "Harder to Breathe" and "Moves like Jagger."

12 69. The Passes bio states:

13 Levine is best known as the lead singer and guitarist of the Grammy Award-
14 winning band Maroon 5. The band erupted onto the music scene with hits like
15 "Harder to Breathe" and the wildly popular "Moves like Jagger."

16 70. Both bios also mention that Levine was a coach on The Voice from 2011 to
17 2019, during which time he got into disputes/petty squabbles with Christina Aguilera, and
18 that, in 2013, he collaborated with Kendrick Lamar and The Lonely Island on The Wack
19 Album.

20 71. The biographical details provided about Levine are also nearly identical,
21 focusing on the same public relationships and the same family members.

22 72. Moreover, key details are omitted from both bios, including reference to any
23 of Maroon 5's albums or songs from their lengthy discography other than "Moves Like
24 Jagger" and "Harder to Breathe" and any reference to Levine's acting career.

25 73. By contrast, if ChatGPT is asked to write a short bio on Adam Levine, it
26 provides the following:

27 //

28 //

ChatGPT Auto ▾

🔗 Share

please provide a short biography of Adam Levine



Adam Levine (born March 18, 1979) is an American singer, songwriter, and the lead vocalist of the pop-rock band **Maroon 5**. Born in Los Angeles, California, Levine co-founded Maroon 5, which achieved worldwide success with hits like "This Love," "Moves Like Jagger," and "Sugar." The band's debut album, *Songs About Jane* (2002), was a major breakthrough, and they have since won multiple Grammy Awards.

Levine gained further fame as a coach on **The Voice** (2011–2019). In addition to music, he has acted in TV shows and films, including *American Horror Story* and *Begin Again*. Levine is married to Namibian model **Behati Prinsloo**, and they have three children. Known for his distinctive falsetto and energetic stage presence, he remains a major figure in the music industry.

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EXAMPLE FOUR: EMMA BROOKS MCALLISTER (TIKTOK)

74. Emma Brooks McAllister is a TikTok lip-syncer that is prolific in her output and has used many songs in her TikTok videos.

75. Both the Famous Birthdays and Passes bios of McAllister include the fact that she is a member of Just A House content collective, that her November 2020 TikTok lip-sync on Billie Eilish's song "Therefore I Am" has more than 150,000 views, and that she has lip-synced to Cousin Stizz's song "Perfect" on TikTok.

76. The Famous Birthdays bio states:

She has earned more than 4 million for her lip syncs, montages and short scenes. She is a member of the Just A House content collective.

77. The Passes bio states:

As a talented content creator, she has become a marquee member of the Just A House content collective. Her engaging videos primarily include lip syncs, montages, and short scenes which have amassed her a following of over 4 million.

78. Notably, the Passes bio only makes mention of the exact same two songs mentioned in her Famous Birthdays bio, Billie Eilish's "Therefore I Am," and Cousin Stizz's "Perfect."

79. The Famous Birthdays bio states:

Her November 2020 lip-sync on TikTok to Billie Eilish's song "Therefore I Am" has more than 150,000 views. [...]

She has lip-synced to Cousin Stizz's song "Perfect" on TikTok.

80. Her Passes bio states:

One of her notable performances includes a lip-sync to Billie Eilish's song "Therefore I Am" in November 2020, capturing over 150,000 views, showcasing her ability to resonate and engage with a large audience.

For instance, she has used Cousin Stizz's song "Perfect" for one of her lip-sync videos, indicating her diverse musical taste and ability to blend different genres into her content.

81. By contrast, if ChatGPT is asked to write a short bio on Emma Brooks McAllister, it provides the following:

ChatGPT ▾

please provide a short biography of TikTok star Emma Brooks McAllister



Emma Brooks McAllister is a popular TikTok star, model, and social media influencer known for her fashion, lifestyle, and beauty content. Born on May 28, 2002, in Louisiana, she gained fame through her engaging videos on TikTok, where she shares lip-syncs, dance routines, and makeup tutorials. Emma is also known for her relatable and down-to-earth personality, which has helped her amass millions of followers across her social media platforms.

In addition to her TikTok success, Emma has worked as a model and collaborated with several well-known brands. She often posts about her personal style, fashion trends, and skincare routines, which resonate with her primarily young audience. Emma's rise to fame has also brought attention to her advocacy for mental health awareness and self-care.

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82. Nowhere does ChatGPT mention these two particular songs, and why should it, as they are only two among McAllister's dozens of lip-syncs.

EXAMPLE FIVE: MARK TERZO (YOUTUBE)

83. The Passes bio for Mark Terzo, a YouTuber who is not profiled on Wikipedia, contains the exact same facts as in the Famous Birthdays bio for Terzo.

EXAMPLE SIX: N3ON (RANGESH MUTAMA)

91. N3on is a YouTuber and streamer for whom there is little publicly available information.

92. The Google AI overview provides no information when searching “N3on Rangesh Mutama information.”

93. Again, the Passes bio states the same key facts as the Famous Birthdays bio.

94. The Famous Birthdays bio states:

He is of Indian descent. His real name is Rangesh Mutama. His younger brother has appeared on his YouTube channel. He was in a relationship with fellow social star Sam Frank.

95. His Passes bio states:

N3on, whose real name is Rangesh Mutama, proudly embraces his Indian heritage. His family, particularly his younger brother, has occasionally featured on his YouTube channel, indicating a close-knit family relationship. In his personal life, N3on has been linked romantically with fellow social media star Sam Frank.

96. His Famous Birthdays bio states:

In May 2020, he released a YouTube video titled "I Played Fortnite With 6IX9INE..." In 2021, he was engaged in an online feud with fellow gamer FaZe Jarvis.

97. His Passes bio states:

Notably, in May 2020, he created content featuring the controversial rapper 6IX9INE. Furthermore, he experienced an online dispute in 2021 with FaZe Jarvis[...]

98. These examples are not exhaustive and are merely illustrative. Other examples include:

i) WNBA player Angel Reese: both bios mention her Amazon sponsorship while in college, that she was the highest ranked commit in program history at

1 the University of Maryland, that she is cousins with Jordan Hawkins, her dating Cam’Ron
2 Fletcher, and her associations with Ben Simmons, Shaquille O’Neal, and Caitlin Clark.

3 ii) Musician Billie Eilish: both bios mention that she has been a vegan
4 since 12 years old, has a dog named Shark, rose to prominence through her single “Bad
5 Guy,” that she released a remix of “Bad Guy” with Justin Bieber in summer 2019, that she
6 dated Matthew Tyler Vorce and Jesse Rutherford, and that her debut album was “When We
7 All Fall Asleep, Where Do We Go?.

8 iii) Musician Nicki Minaj: both bios mention that she played the clarinet
9 in middle school, her acting career did not take off, she was fired from Red Lobster for
10 being rude to customers, she worked as an officer manager on Wall Street, voiced a
11 character in “Ice Age: Continental Drift,” and had a supporting role in “The Other
12 Woman,” her albums Pink Friday and Pink Friday: Reloaded, her collaboration with
13 Britney Spears on the remix of “Till The World Ends,” and her time as a judge on the
14 twelfth season of American Idol.

15 iv) Actor Heath Ledger: both bios mention that he won Western
16 Australia’s junior chess championship at ten years old, that he played a cyclist in “Ship to
17 Shore” for three episodes, that he suffered insomnia after playing The Joker in “The Dark
18 Knight,” and identify his roles in 10 Things I Hate About You, The Patriot, A Knight’s
19 Tale, and Brokeback Mountain.

20 v) Actor Sebastian Stan: both bios mention he performed his own stunts
21 in “The Covenant,” his year spent abroad studying theater at Shakespeare’s Globe Theatre
22 in London, and his roles in Captain America: The First Avenger (but no mention of his
23 roles in other Marvel films featuring the same character), Black Swan, and the Martian.

24 vi) Basketball player and entrepreneur Shaquille O’Neal: both bios
25 mention that his stepfather would have him practice basketball before meals, his 68-1
26 record over two years of high school basketball, and his podcast “The Big Podcast with
27 Shaq”.

28 vii) Musician Christina Aguilera: both bios mention that she grew up in an

1 abusive household, sang the “Star Spangled Banner” at Pittsburg professional sports
2 events, was a contestant on Star Search, was a member of the Mickey Mouse Club, coached
3 on The Voice, appeared in the 2010 musical film Burlesque, and only her songs, “Genie in
4 a Bottle,” “Dirrty,” and “Come On Over Baby (All I Want Is You).”

5 viii) Musician Olivia Rodrigo: both bios mention she was introduced to
6 American Girl books at age 7, and the same professional associations, songs, and TV show
7 roles.

8 99. Actress Millie Bobby Brown: both bios mention she had partial, then total,
9 hearing loss in one ear, almost quit acting after not being cast as Lyanna Mormont in Game
10 of Thrones, her minor role as Young Alice in “a couple of episodes of ‘Once Upon a Time
11 in Wonderland,’” and that she began taking online classes at Purdue University in 2022.

12 100. All of these examples, and the over 100,000 other examples Famous Birthdays
13 has identified, follow a disturbing pattern: the same details, including incredibly obscure
14 details are included, the same details (including key details) are omitted, and the sentences
15 on the Passes’ bio are either identical or obviously feature a version of the Famous Birthdays’
16 sentence as rewritten by a chatbot.

17 101. Other aspects of the Passes website similarly indicate unlawful appropriation.
18 Within the 100,000 biographies Passes stole, Famous Birthdays has some random and
19 sporadic differences to how celebrities’ names show up in its URLs, all of which are reflected
20 in the Passes URLs. It is impossible that Passes would have identical, random nuances.
21 Indeed, the URLs Passes published match Famous Birthdays’ URL structure.

22 102. For example, for TikTok star “Charli D’Amelio”, Famous Birthdays has the
23 following URL:

24 <https://www.famousbirthdays.com/people/charli-d-amelio.html>

25 Passes uses identical dashing:

26 <https://www.passes.com/wiki/charli-d-amelio>

27 //

28 //

103. Elsewhere, though, Famous Birthdays utilizes *no* dashes where an apostrophe exists, like for Chris O’Neal:

<https://www.famousbirthdays.com/people/chrisoneal.html>

Passes uses the same formatting:

<https://www.passes.com/wiki/chrisoneal>

104. Famous Birthdays uses a random dash for actress Tatum O’Neal, which Passes again copies:

<https://www.famousbirthdays.com/people/tatum-oneal.html>

<https://www.passes.com/wiki/tatum-oneal>

105. Even where Famous Birthdays puts a random profession in a URL—something which it rarely utilizes for mainstream stars—Passes also exactly copies the URL:

<https://www.famousbirthdays.com/people/millie-brown-tvactress.html>

<https://www.passes.com/wiki/millie-brown-tvactress>

106. Notably, both URLs for Millie Bobby Brown also omit her middle name.

107. But when Famous Birthdays includes a celebrity’s middle name in their URL, such as Sarah Jessica Parker, so too does Passes:

<https://www.famousbirthdays.com/people/sarah-jessica-parker.html>

<https://www.passes.com/wiki/sarah-jessica-parker>

108. The fact that the URLs are identical is further evidence of the extent of Passes’ unlawful appropriation.

109. Similarly, nearly every Famous Birthdays bio features the celebrity or influencer’s astrological sign, something that is not a typically featured fact in bios, but surely enough, every Passes bio features the same astrological sign, with the chatbot sometimes producing clearly AI-written phrases, such as “born under the astrological sign Pisces” or “born carrying the astrological sign Libra.”

110. Moreover, Passes also stole the entire collection of Famous Birthdays’ birthdate information on celebrities and influencers. This data is not available through Famous Birthdays’ API and thus could only be accessed by scraping Famous Birthdays’

1 website, in violation of its Terms of Service.

2 111. Moreover, Passes features celebrities who are obviously not influencers that
3 companies would engage with for marketing purposes, but would be featured on a website
4 like Famous Birthdays, such as Canadian Prime Minister Justin Trudeau. While wholesale
5 scraping Famous Birthdays' API, Passes picked up profiles such as Prime Minister Trudeau.

6 112. And, of course, the bios of Prime Minister Trudeau feature much of the same
7 details – that Prime Minister Trudeau has championed avalanche warning programs and
8 opposed zinc mine construction, that he speaks out on federalism and Quebecois secession,
9 that he served as a member of Parliament from Papineau, and that he married a former model
10 and television host.

11 113. In sum, the evidence is overwhelming. Passes Wiki is a product of wholesale
12 theft of Famous Birthdays' copyright-protected bios.

13 **VII. PASSES' UNLAWFUL ACTIONS HAVE CAUSED FAMOUS BIRTHDAYS**
14 **SIGNIFICANT DAMAGES AND IRREPARABLE HARM.**

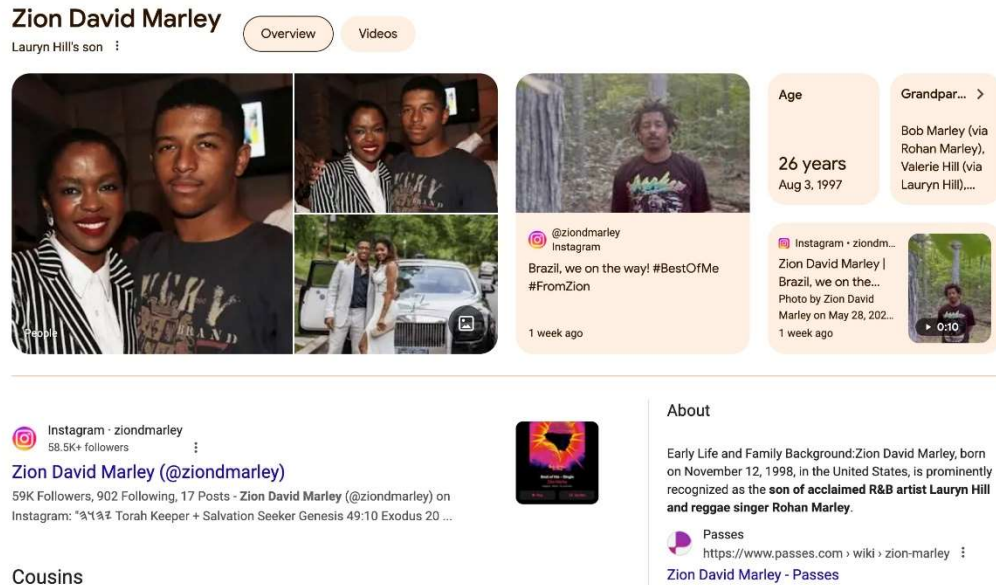
15 114. As a direct and proximate result of Passes' willful copyright infringement,
16 breach of the Services Agreement, and knowing access of Famous Birthdays' API and
17 unauthorized use of Famous Birthdays' data, Famous Birthdays has suffered and will
18 continue to suffer monetary loss and irreparable harm to its business, reputation, and
19 goodwill. Disgorgement is also appropriate here.

20 115. Passes has obtained an unfair competitive advantage, as it has been able to
21 compete in the marketplace without investing the time, money, creativity, and other
22 resources required to cultivate an expansive database of biographies.

23 116. Famous Birthdays' position in the market would be stronger if Passes were not
24 utilizing Famous Birthdays' Works, thereby diverting traffic from Famous Birthdays'
25 website, and hurting Famous Birthdays Pro's marketing pitch and momentum which rely on
26 first-party proprietary bios that can only be leveraged within Famous Birthdays Pro.

27 117. Passes' infringement and breach has already impacted Famous Birthdays'
28 Search Engine Optimization ("SEO"). By publishing Famous Birthdays' 100,000+

1 biographies and attempting to reword its intellectual property at scale, while keeping Famous
2 Birthdays' same proprietary information, structure, and even URL scheme, Passes is creating
3 confusion among search engines. For given keyword searches, Passes ranks above Famous
4 Birthdays for Famous Birthdays' *own biographical listing*, and in some cases, Passes is
5 shown as the featured snippets in search results:



16 118. Passes also diverts hundreds of thousands of users per month who would
17 otherwise visit Famous Birthday to Passes' "wiki" pages. This harm extends beyond the
18 immediate loss of traffic: each diverted Passes user is a potential long-term user of Famous
19 Birthdays, depriving Famous Birthdays of future revenue.

20 119. Given that this is a competitive sector of the economy, the harm is particularly
21 pronounced, given that Passes and Famous Birthdays are competing for valuable market
22 share in an exponentially growing market sector.

23 120. Famous Birthdays has suffered and continues to suffer considerable harm from
24 Passes' unlawful use of its Works.

25 //
26 //
27 //
28 //

FIRST CAUSE OF ACTION

(AGAINST ALL DEFENDANTS)

(Copyright Infringement, 17 U.S.C. § 501)

121. Famous Birthdays incorporates and realleges all foregoing paragraphs as if fully set forth herein.

122. Each of the Works is an original and creative work of authorship and subject to a valid and subsisting copyright registration with the United States Copyright Office.

123. Famous Birthdays owns the rights to all of the Works and its corresponding copyright registrations.

124. Passes had substantial access to Famous Birthdays' copyrighted Works through Famous Birthdays' website—data obtained through the parties' historical licensing agreement—which Passes used to “reproduce the copyrighted work in copies” in violation of 17 U.S.C. § 106(1). As revealed through the direct comparisons between the Works and Passes' stolen biographies, as well as the secondary evidence of direct copying of URLs and Guo's direct access of over 100,000 profiles, Passes copied and used, and is copying and using, Famous Birthdays' Works publicly, as well as within its platform available to subscribing customers, and internally.

125. Passes created, and is creating, “derivative works” based on the copyrighted work by displaying and providing the Works to its own customers as part of its influencer discovery service in violation 17 U.S.C. § 106(2).

126. Passes copied Famous Birthdays' Works and is “display[ing] the copyrighted work publicly” on its website and continues to make unauthorized public displays of those works on its website in violation of 17 U.S.C. § 106 (1) and (5).

127. Passes utilized a “chatbot” to make superficial tweaks to Famous Birthdays' copyright-protected bios in an attempt to hide its misconduct.

128. Famous Birthdays never authorized Defendants to make copies or publicly display any of the works, whether through a license or otherwise.

129. Defendants' infringement of each of Famous Birthdays' Works was knowing,

1 willful, and intentional.

2 130. As a direct and proximate result of Passes and Guo's conduct, Famous Birthdays
3 has suffered and will continue to suffer monetary damages in an amount determined at trial.
4 Disgorgement is also appropriate. Famous Birthdays is entitled to statutory damages for each
5 copyright violation, including enhanced statutory damages as a result of Defendants' willful
6 infringement. Famous Birthdays is also entitled to its costs and reasonable attorneys' fees
7 pursuant to 17 U.S.C. § 505.

8 131. Defendants' conduct has caused and will continue to cause irreparable harm to
9 Famous Birthdays and its interests in the Works; and, as such, Famous Birthdays is entitled to
10 preliminary and permanent injunctive relief to bar Defendants from further infringement.

11 **SECOND CAUSE OF ACTION**

12 **(AGAINST ALL DEFENDANTS)**

13 **(California Comprehensive Computer Access And Fraud Act,**

14 **Cal. Penal Code § 502)**

15 132. Famous Birthdays incorporates and realleges all foregoing paragraphs as if fully
16 set forth herein.

17 133. Defendants are directly and vicariously liable for the actions of Passes' directors,
18 officers, employees, contractors, and other agents, including all those acting at their discretion or
19 with their authorization.

20 134. Famous Birthdays' Works are "[d]ata" within the meaning of § 502(b)(8). The
21 works are a "representation of information, knowledge, facts, concepts, computer software, or
22 computer programs or instructions." "Data may be in any form, in storage media, or as stored in
23 the memory of the computer or in transit or presented on a display device". Famous Birthdays'
24 URL list also constitutes data under the statute.

25 135. Defendants are guilty of a public offense under § 502(c) because their conduct
26 falls under the listed offenses, including, but not limited to:

27 "(1) Knowingly accesses and without permission alters, damages, deletes, destroys, or
28 otherwise uses any data, computer, computer system, or computer network in order to

1 either (A) devise or execute any scheme or artifice to defraud, deceive, or extort, or (B)
2 wrongfully control or obtain money, property, or data.”

3 “(2) Knowingly accesses and without permission takes, copies, or makes use of any data
4 from a computer, computer system, or computer network, or takes or copies any
5 supporting documentation, whether existing or residing internal or external to a
6 computer, computer system, or computer network.”

7 “(4) Knowingly accesses and without permission adds, alters, damages, deletes, or
8 destroys any data, computer software, or computer programs which reside or exist
9 internal or external to a computer, computer system, or computer network.”

10 “(6) Knowingly and without permission provides or assists in providing a means of
11 accessing a computer, computer system, or computer network in violation of this
12 section.”

13 “(7) Knowingly and without permission accesses or causes to be accessed any computer,
14 computer system, or computer network.”

15 “(8) Knowingly introduces any computer contaminant into any computer, computer
16 system, or computer network.”

17 136. As described above, in violation of §§ 502(c)(1)(B), 1-2 & 7-8, Defendants
18 compiled a URL list and used it and a script, a computer contaminant, to scrape Famous
19 Birthdays’ Works. Defendants knew that they were wrongfully using Famous Birthdays’ Works
20 without permission, because, among other things, Defendants exceeded the scope of the Services
21 Agreement and sought to hide their misconduct by employing the services of a chatbot.

22 137. Defendants knowingly accessed Famous Birthdays’ computer networks and API,
23 and then used a computer, computer system, computer network, or data (their script) to
24 wrongfully obtain and control Famous Birthdays’ data, in violation of the Services Agreement
25 and Famous Birthdays’ Terms of Service, thus violating § 502(c)(1)(B)(1).

26 138. Defendants also, without permission, took copies and made use of Famous
27 Birthdays’ data, thus violating § 502(c)(1)(B)(2).

28 139. Moreover, because Guo and Passes acted in concert, assisting one another in

1 wrongfully accessing and copying Famous Birthdays’ data, both also assisted the other in
2 providing a means of accessing Famous Birthdays’ computer networks and API, thus violating §
3 502(c)(1)(B)(6).

4 140. By using their access to Famous Birthdays’ API to access Famous Birthdays’
5 computer networks, Defendants also violated § 502(c)(1)(B)(7).

6 141. And by introducing their script into Famous birthdays’ networks and API to steal
7 Famous Birthdays’ bios en masse, Defendants also violated § 502(c)(1)(B)(8).

8 142. Defendants are liable for compensatory, consequential, and incidental damages.
9 Defendants are also liable for exemplary and punitive damages in an amount sufficient to set an
10 example of Defendants’ oppressive, fraudulent, and malicious conduct under § 502(e)(4).

11 143. As a result of Defendants unlawful conduct, Famous Birthdays is also entitled to
12 all injunctive relief allowed under § 502(e)(1). Famous Birthdays is also entitled to attorneys’
13 fees and costs pursuant to § 502(e)(2).

14 **THIRD CAUSE OF ACTION**

15 **(AGAINST ALL DEFENDANTS)**

16 **(Unfair Competition Law, Cal. Bus. & Prof Code § 17200)**

17 144. Famous Birthdays incorporates and realleges all foregoing paragraphs as if fully
18 set forth herein.

19 145. Passes is a “person” as defined under California Business and Professions Code §
20 17201.

21 146. As described above, Defendants engaged in “unlawful, unfair, or fraudulent
22 business act or practice” under § 17200, including by exceeding the scope of the Service
23 Agreement, scraping Famous Birthdays’ biographies, and wrongfully appropriating those
24 biographies to promote its business.

25 147. Passes also engaged in “unfair, deceptive, untrue, or misleading advertising”
26 under § 17200 by marketing Famous Birthdays’ Works on its website and through various social
27 media platforms.

28 148. As a direct and proximate result of Defendants’ unfair, unlawful, and fraudulent

1 business practices, Famous Birthdays has suffered injury in fact and lost money in an amount to
2 be determined at trial. Famous Birthdays seeks all available relief, including injunctive relief to
3 prevent Defendants' ongoing unfair and illegal business practices.

4 **FOURTH CAUSE OF ACTION**

5 **(AGAINST PASSES)**

6 **(Breach of Contract)**

7 149. Famous Birthdays incorporates and realleges all foregoing paragraphs as if fully
8 set forth herein.

9 150. Famous Birthdays and Passes entered into the Services Agreement on or around
10 March 1, 2024.

11 151. The Services Agreement required Passes to pay \$5,000 per month for a limited
12 license. In return, Passes could (1) view a "Rising Stars" list featuring 25 creators profiled
13 on the Famous Birthdays platform; (2) run 2,500 searches per month of historical rank
14 graphs for creators profiled on Famous Birthdays; (3) undertake 100 report searches per
15 month; and (4) have API access to achieve these limited purposes.

16 152. Passes looked up more than 100,000 historical rank graphs for creators
17 profiled on Famous Birthdays, far in excess of the 2,500 provided for in the Services
18 Agreement. Passes further breached by copying profiles and using the profiles for
19 improper purposes.

20 153. As a direct and proximate result of Passes' breaches of the Services
21 Agreement, Famous Birthdays has suffered damages. Disgorgement is also appropriate.
22 Further, Passes has been unjustly enriched, obtaining the value of Famous Birthdays' data
23 without paying for it. Famous Birthdays is also entitled to injunctive relief.

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PRAYER FOR RELIEF


WHEREFORE, Plaintiff prays for judgment and relief as follows:

1. Injunctive relief;
2. An award to Famous Birthdays of damages as permitted by law, including but not limited to compensatory, disgorgement, statutory, punitive and exemplary damages, and in such amounts to be proven at trial but believed to be well in excess of \$3 million;
3. Pre- and post-judgment interest as allowed by law;
4. Attorneys' fees and costs to the extent allowed by law; and
5. Such further and other relief as this court deems just and proper.

Respectfully yours,

DATED: September 27, 2024

KATTEN MUCHIN ROSENMAN LLP

By: 
CHRISTOPHER D. BEATTY
Attorneys for Plaintiff
FAMOUS BIRTHDAYS, LLC


JURY DEMAND

Famous Birthdays demands a trial by jury as to all claims and issues so triable.

Respectfully yours,

DATED: September 27, 2024

KATTEN MUCHIN ROSENMAN LLP

By: 
CHRISTOPHER D. BEATTY
Attorneys for Plaintiff
FAMOUS BIRTHDAYS, LLC